

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

MITCHELL MCCORMICK, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. CIV-11-1272-M
)	
HALLIBURTON COMPANY and)	
HALLIBURTON ENERGY)	
SERVICES, INC.,)	
)	
Defendants.)	

**DEFENDANT HALLIBURTON ENERGY SERVICES, INC.’S MOTION
TO EXCLUDE PLAINTIFFS’ EXPERT KEVIN J. BOYLE**

Pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and its progeny, Defendant Halliburton Energy Services, Inc. (“HESI”) respectfully requests that the Court exclude the report and opinions of Plaintiffs’ economist, Kevin J. Boyle, Ph.D.

Dr. Boyle’s sole opinion, that all properties in the Plume Class and in the Threatened Class suffered a diminution in property value, fails the *Daubert* two-prong test of relevance and reliability. Dr. Boyle’s opinion is contradicted by the limited literature he relies on, property valuation literature generally, and his own testimony during his deposition. Dr. Boyle failed to follow generally accepted methodology and principles of property valuation. His opinion has no factual basis, and is nothing but inadmissible speculation.

In support of this motion, HESI relies on the Brief filed concurrently herewith. For the reasons stated above, and as discussed fully in the accompanying Brief, the report, opinions and testimony of Plaintiffs' expert Kevin J. Boyle should be excluded under FED. R. EVID. 702 and *Daubert* and its progeny.

Respectfully Submitted,

/s/ J Kevin Buster

J Kevin Buster (*pro hac vice*)
Carmen R. Toledo (*pro hac vice*)
King & Spalding LLP
1180 Peachtree Street, N.E.
Atlanta, GA 30309
Telephone: (404) 572-4600
Facsimile: (404) 572-5100
kbuster@kslaw.com
ctoledo@kslaw.com

Robert E. Meadows
Oklahoma Bar No. 20592
R. Bruce Hurley (*pro hac vice*)
KING & SPALDING LLP
1100 Louisiana, Suite 4000
Houston, Texas 77002
Telephone: (713) 751-3200
Facsimile: (713) 751-3290
rmeadows@kslaw.com
bhurley@kslaw.com

Gerald P. Green
Oklahoma Bar No. 3563
Peter L. Wheeler
Oklahoma Bar No. 12929
Robert L. Betts
Oklahoma Bar No. 21601
PIERCE COUCH HENDRICKSON
BAYSINGER & GREEN, L.L.P.
Post Office Box 26350

Oklahoma City, Oklahoma 73126
Telephone: (405) 235-1611
Facsimile: (405) 235-2904
jgreen@piercecouch.com
pwheeler@piercecouch.com
rbetts@piercecouch.com

***Attorneys for Defendant
Halliburton Energy Services, Inc.***

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2013, I caused the foregoing document to be electronically filed using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means. All other counsel of record will be served by mail.

/s/ J Kevin Buster